

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: December 13, 2005
)	
Carla W. Carter)	DOCKET NO.: 05F-064
Chief Financial Officer (Former))	
Office of the Chief Financial Officer)	
9900 Bald Hill Road)	
Mitchellville, Maryland 20721)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Carla W. Carter, Chief Financial Officer (Former), Office of the Chief Financial Officer, failed to timely file, a Financial Disclosure Statement for calendar year 2004, on or before May 16, 2005, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 13, 2005.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated September 6, 2005 and September 19, 2005, OCF ordered Carla W. Carter (hereinafter respondent), to appear at scheduled hearings on September 16, 2005 and September 30, 2005, and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2004, on or before June 13, 2005.

On September 30, 2005, the respondent emailed the Hearing Officer to advise that she had opened the Notice of Hearing for September 30, 2005 the night before, and that she would be unable to attend the hearing. Respondent further stated that the charges in the Notice were untrue as she no longer works for the District Government. On October 3, 2005, the Hearing Officer contacted the respondent to explain her requirement to file,

notwithstanding her separation from the government. Respondent agreed to file the required report, and to file an affidavit in explanation of the filing delinquency. On October 6, 2005, the respondent filed an affidavit stating that she resigned from government service in May 2004. Respondent further stated that the requirement to file OCF's Financial Disclosure Statement was not addressed in her exit interview. Respondent filed a fully executed Financial Disclosure Statement with OCF on October 6, 2005.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed Financial Disclosure Statements for calendar years 2001, 2002 and 2003 on May 13, 2002, May 14, 2003 and May 17, 2004 respectively.
2. Respondent separated from government service in May 2004.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2004, on or before June 13, 2005.
4. Respondent filed the required Financial Disclosure Statement on October 6, 2005.
5. Respondent has no history of prior filing delinquencies.
6. Respondent provided a credible explanation for the filing delinquency because she believed she was not informed of the requirement to file a final Financial Disclosure Statement upon separation from government service; and, it is more likely than not that this occurred inasmuch as respondent immediately filed the required FDS upon OCF's notification of the requirement to do so.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.

2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for the filing delinquency, in that she was not informed of the requirement to file upon separation from government service, and that she immediately filed upon OCF's notification of the requirement to do so, coupled with a favorable filing history, constitute good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Carla W. Carter by regular mail on December 13, 2005.

cc: Natwar M. Gandhi, Chief Financial Officer
Office of the Chief Financial Officer
1350 Pennsylvania Avenue, NW
Room 209
Washington, DC 20004

Paul Lundquist, HR Director
Office of the Chief Financial Officer
941 North Capitol Street, NE
Suite 1200
Washington, DC 20002

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.